

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26963 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- AANDAR District- Siwan

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Sudish Kumar Gond @ Sudish Sah Gond @ Sudish Kumar, Son of Sri
Surendra Sah, Resident of Village- Jaijori, P.S. and P.O. Nandpur Amwari,
P.S.- Ander, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 01-12-2020 Heard Mr. Yashraj Bardhan, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 365 of 2019 arising out of Aander P.S.

Case No. 60 of 2019, dated 10.04.2019, instituted for the

offences under Sections 302 and 34 of the Indian Penal

Code.

The prayer for bail of the petitioner was earlier



rejected *vide* order dated 18.12.2019 passed by Hon'ble Mr. Justice Vinod Kumar Sinha, as he then was, with the observation that if the trial is not concluded or no substantial progress is made in the trial within a period of six months, the petitioner would be at liberty to renew his prayer for bail.

The petitioner has approached this Court after remaining in jail since 22.04.2019 and in the trial, out of seven witnesses, only two witnesses have been examined.

Learned counsel for the petitioner has submitted on merits that the implication of the petitioner is on the basis of suspicion and conjectures. He has further submitted that the deceased was found dead on the roof-top, when the informant, who is her father, had gone to watch a cricket match on television in his neighbour's house. There is no evidence whatsoever of anybody scaling over the walls of the house to reach the roof-top. The house is surrounded by other residential houses.

Learned counsel for the petitioner has further brought to the notice of this Court that the deceased earlier was asked by her father to marry one Upendra, but she



refused. Thereafter, she was married to somebody else, but the relationship of the deceased with her husband may not have been good and she kept talking on mobile telephone with somebody else. The name of the petitioner appears to have been disclosed by the elder brother of the deceased, who has claimed that the deceased, at the time of her death, was talking to the petitioner on telephone.

This raises a presumption, at least for the purposes of grant of bail, that the petitioner was having some kind of an affair with the deceased. In that view of the matter, even if this allegation is accepted to be true, there would be no motive for the petitioner to have killed the deceased. If at all the deceased was killed, the perpetrators of crime could be some other persons.

Learned counsel for the petitioner has alluded to the killing being an honour killing at the hands of her own relatives because the solemnized marriage was not being respected by the deceased.

Apart from this, it has been submitted that examining two witnesses in such a long time, cannot be said



to be a substantial progress in the trial. The two witnesses, who have been examined, have also not state anything which could implicate the petitioner in this case.

The deposition of the aforesaid two witnesses have been brought on record as Annexure-3 series to this application.

Regard being had to the afore-stated facts, this Court is inclined to grant bail to the petitioner.

The petitioner/Sudish Kumar Gond @ Sudish Sah gond @ Sudish Kumar is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-VIII, Siwan in connection with Sessions Trial No. 365 of 2019 arising out of Aander P.S. Case No. 60 of 2019.

However, it is directed that the petitioner shall participate in the trial and his absence from the trial proceedings for two consecutive occasions, would render his bail liable to be cancelled. Should the petitioner try to impede the speed of the trial or tamper with the evidence or



approach the witnesses for deposing in his father, then also his bail liable to be cancelled for which the prosecution would be at liberty to approach the Trial Court and in that instance, the Trial Court shall proceed against the petitioner promptly.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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